

HOOVER CITY COUNCIL MINUTES OF MEETING

DATE: October 3, 2016

TIME: 6:00 P.M.

PLACE: Hoover Municipal Center

PRESENT: Mr. Jack Wright, Council President
Mr. John Greene, Council Member
Dr. Casey Middlebrooks, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ABSENT: Mayor Gary Ivey
Admiral Jack Natter, Council Member
Mr. John Lyda, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, Waldrep Stewart & Kendrick, City Attorney
Mr. Wayne Morse, Waldrep Stewart & Kendrick
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Rob Rosenberg, Waldrep Stewart & Kendrick
Mr. Bob House, House Consultants
Ms. Amanda Borden, Assistant Library Director
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Ms. Susan Fuqua, Director, Municipal Court
Mr. Rod Long, City Engineer (left early)
Mr. Frank Lopez, Director, Revenue and Taxation
Dr. Melinda Lopez, Director, Information Management & Reporting
Chief Chuck Wingate, Fire Chief
Mr. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Finance Director

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Scout Troop 367.

Scout Troop 367, Riverchase United Methodist Church, consisted of Haegen Woodard, Braden Maddox, Riley Luthin, Ben McCallum, Clay Wade, Brady Moulton, Will Stamps and Caelen March. Troop Leaders: Darrin Wade, Merrill Maddox, Joe March and Tom McCallum.

1. **REPORTS**

The City Attorney read a **Proclamation** declaring the month of **October 2016** as **Domestic Violence Awareness Month**. Mr. Allen Pate presented the Proclamation on behalf of Mayor Ivey to Valencia Albright.

The City Attorney read a **Proclamation** declaring the month of **October 2016** as **Dyslexia Awareness Month**. Mr. Allen Pate presented the Proclamation on behalf of Mayor Ivey to Ms. Hettie Johnson. Ms. Johnson was accompanied by a group of students and parents. Ms. Johnson and one of the parents spoke about dyslexia and thanked the City Council for the recognition and support.

The City Attorney read a **Proclamation** declaring **October 7, 2016** as **Manufacturing Day** in the City of Hoover. Mr. Allen Pate presented the Proclamation on behalf of Mayor Ivey to LaVada Varner.

The City Attorney read a **Proclamation** declaring October 9 – 15, 2016 as **Fire Prevention Week** throughout the City of Hoover. Mr. Allen Pate presented the Proclamation on behalf of Mayor Ivey to Fire Chief Chuck Wingate and Executive Officer Rusty Lowe.

Police Chief Nick Derzis came forward and stated they have added pink to the police uniforms for the month of October for **Breast Cancer Awareness** month. He stated that breast cancer is the second leading cause of cancer deaths among women and that one in eight women will be diagnosed with breast cancer. He said that everyone in the room, directly or indirectly, has been affected by cancer and there are employees with the City of Hoover that are battling it currently. He stated they hope that by adding pink to the uniforms they will begin some conversations for breast cancer awareness. He assured everyone it is very unusual to see police officers with pink badges and they hope for conversations to come up as awareness is the key. He said he wanted to thank two good friends; Chip Welsh, who donated Breast Cancer Awareness Month decals for every marked city owned Tahoe and Frank Barefield for purchasing all of the badges. He said their generosity is certainly appreciated and he hopes it will make a difference in the community. Chief Derzis asked Mayor Elect Frank Brocato to come forward and he presented him with a badge and each of the City Council members and Councilman Elect Mike Shaw who was present in the audience.

2. **APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the September 19, 2016 regular meeting and the 9/29/16 work session.

Mr. Smith made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Mr. Rives. Mr. Wright called for discussion. There being none, on voice vote the motion carried unanimously.

3. **PRESENTATION – SPORTS FACILITIES MANAGEMENT (SFM) - RESOLUTION NO. 5472-16 – ADOPT BUDGET FOR MANAGEMENT AND OPERATION OF THE SPORTS AND EVENTS CENTER**

Mr. John McDonald and Steve Goris, Sports Facilities Management (SFM), gave a power point presentation of the proposed building budget as well as the five year performance. (A copy of this presentation is attached to Resolution No. 5472-16 as Exhibit A and is on file in the City Clerk's office).

Mr. Greene asked Mr. McDonald to give more information on the adventure center. Mr. McDonald said the adventure center would be a 4,500 to 5,000 square foot entertainment area for kids; perhaps for the siblings of those participating in events to give them something to do. It would include a clip and climb which is similar to a ropes course. This has been very successful in other venues. The buildout of that would be anywhere from \$400,000 to \$600,000. The funds have not been found yet to add that component to the facility. Mr. McDonald said the adventure center is an income producer.

Mr. Rives said one thing to consider is that the city would receive 3% on all of the economic impact which year one is \$418,000, year two is \$733,000, and goes up to over \$1 million in year 5.

Mr. Smith asked for clarification as to the contents of the Exhibit A to Resolution No. 5472-16 so as to understand exactly what the Council was voting on. It was clarified that the entire power point presentation is the Exhibit A to the resolution.

Dr. Middlebrooks said it was his understanding that none of this included taking over The Met. Mr. McDonald said that was correct. The first priority was to get this budget done and approved by the Council as soon as possible in order start booking the facility and getting personnel and staff hired. The next goal is to focus on The Met and try to have that budget ready by the November 17th Council Work Session.

Mr. Smith asked if before the end of the first year is the Council asking to be voting on the differential of the \$746,406 or what is the true amount for the end of year one; and is SFM going to match their fiscal year to the city's fiscal year. Mr. McDonald said the facility opens in May so they will do a budget from May to the end of September then they will start with the city's budget year from that point on. Mr. Smith asked if the Council was voting tonight on just the pre-opening budget. Mr. McDonald said they are asking the Council to vote on both budgets. Mr. Smith asked how much is the total first year budget expected to be voted on tonight. Mr. McDonald said the total first year operating budget in terms of the total costs is the \$2,190,818 (Total Operating Expenses) and the \$950,020 (Total Cost of Goods Sold). Total projected revenue is \$2,394,433 so the difference would be the (\$746,406). The Council would be voting on the \$746,406 plus the Pre-Opening Budget.

Mr. Wright added that the Council asked the management group to be as pessimistic as possible in this deal so we hope for improvement in the numbers. Obviously, the new mayor and city council can visit this budget anytime they would like. It is a work in process and the management group is trying to establish a base line here and is showing us one of the worst case scenarios. Hopefully it will be a lot better. He said it will be a great thing for Hoover.

Mr. Wright called for comments or questions from the audience.

Mr. Arnold Singer, 613 Riverhaven Place, said he supported the pre-opening budget. He wants the sports complex to be an outstanding success. He suggested delaying the operating

budget. Mr. Wright said this Council cannot bind the next Council. Mr. Arnold noted that in the year one budget the Secondary Revenue includes in-kind services which are not dollar figures. It is a dollar figure for the service in order to come up with the twenty percent calculation that we have to pay in cash. He said that is not a cash item budget. He then said he was under the impression from previous presentations that there would be several approved caterers providing the banquet type services for events. In the proposed budget it appears that SFM is going to be operating that; including having a chef. He said he could see a banquet manager but felt that we should be following more of a shopping mall lean management and staffing as opposed to a full service hotel model. He also noted that when he saw the negative result from the tennis he did some research and suggested putting that off for a while and that could provide the funds needed for the indoor adventure center. Mr. Wright noted the tennis courts will be one of the last things to be decided. They have not been finalized. There is a number in the budget just for a baseline. Mr. Wright noted that catering had not been finalized either. He reiterated that this is a work in progress.

Mr. Rives said it was his understanding that the first year budget as presented is May, 2017 to May, 2018. Mr. McDonald stated that was correct.

Mr. Wright said the Council would now consider the approval of Resolution No. 5472-16. The City Attorney had the reading of the resolution. This would adopt the budget for the management and operation of the Hoover Sports and Events Center as presented by Sports Facilities Management. Mr. Smith made a motion to approve **Resolution No. 5472-16** with the inclusion of the multi-colored document (the presentation) provided to the Council as the Exhibit A to the resolution. This motion was seconded by Mr. Rives. Mr. Wright called for further discussion from the Council or the audience. There being none, on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Dr. Middlebrooks, "Yea"; Mr. Rives, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea".

Mr. McDonald introduced Ashley Whitaker, Marketing Director, to bring up the second part of their presentation. Ms. Whitaker said the first thing SFM did as a team was look at this community from a state and national level and honed in section by section of the neighboring towns and cities. They looked at future events that will be held near here such as the World Games that will be held in Birmingham in a few years. They looked on Wikipedia as they do when there is a situation where they market on a national level. They wanted to see what the internet had to say and how the city represented itself so they looked at TripAdvisor and some of the other elements of the internet. They also looked at the city's website and the "Top 30 Places to Live" and the city's own brand of Hoover; how it represents the community of people that live here. They also looked at The Hoover Met as well as some of the other elements and assets in the community. After considering many different names and word combinations they are suggesting naming the entire development the Hoover Met Sports District. They chose this because **Hoover** represents the community that owns the entire development; The **Met** represents the history of the area; **Sports** represents the function; and **District** elevates and identifies the area being developed. Featured within the district will be the Alabama Sports and Events Center. At this time, a group of local students entered the chambers wearing yellow sunglasses and navy t-shirts to help announce that the

Alabama Sports and Events Center will be known as “The BAM”. Each City Council Member joined in by wearing caps with The BAM logo on them.

4. **RESOLUTION NO. 5473-16 – BID NO. 23-16 – REJECT SINGLE BID & AUTHORIZE MAYOR TO NEGOTIATE PRICE**

The City Attorney read Resolution No. 5473-16. This would reject the single bid received on Bid No. 23-16 (Two bids were originally received but the second bidder was disqualified.) This would also authorize the Mayor to negotiate with Landscape Maintenance Services as the single bidder at a price not to exceed their bid quote of \$282,132.00; and authorize the Mayor to execute an agreement with said company for the work to be performed.

Mr. Smith made a motion to approve **Resolution No. 5473-16**. This motion was seconded by Mr. Rives. On voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5474-16 – PUBLIC HEARING – ABATEMENT OF PUBLIC NUISANCE DUE TO WEEDS AND/OR GRASS – 2308 EMPIRE ROAD**

Mr. Wright stated this is a public hearing regarding weeds and/or grass public nuisance at 2308 Empire Road. Mr. Wright asked if there was anyone present who wished to speak in opposition. There being none, Mr. Wright asked the city attorney to proceed with the reading of the resolution.

The City Attorney read Resolution No. 5474-16. This would order the abatement of the public nuisances as provided by the appropriate sections of the Alabama Code.

Mr. Smith made a motion to approve **Resolution No. 5474-16**. This motion was seconded by Mr. Rives. Mr. Wright called for questions or comments from the Council.

Mr. Greene said it was his understanding that in addition to this matter the city has had other issues with this property in the past. Mr. Robert Macke, Zoning Enforcement, said that in the past three years it has been on the Council agenda five times and the city actually cut the grass last summer. It is an ongoing problem. The only time it has been cut is when the neighbors cut it. The house is occupied by the owner but the owner has been unavailable and has made no attempt to cut the grass. He noted the city has put up signs and tried to contact the owner. Dr. Middlebrooks asked if the welfare of the individual was known. Mr. Macke said that according to the neighbors the person goes to work and they do not believe there is anything preventing that person from cutting the grass or having it cut.

There being no additional comments from the Council or the audience, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5475-16 – AUTHORIZE MAYOR TO EXECUTE REQUEST FOR GROUP INSURANCE AMENDMENT WITH STANDARD INSURANCE COMPANY TO CLARIFY CERTAIN LANGUAGE IN THE CITY’S EXISTING POLICY.**

The City Attorney read Resolution No. 5475-16. This would authorize the Mayor to execute a Request for Group Insurance Amendment with Standard Insurance Company.

Mr. Smith made a motion to approve **Resolution No. 5475-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience.

Mr. Smith said it was his understanding this is just a house keeping item. Mr. Yeager concurred. It is specifically identifying the hours worked.

There being no further discussion, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5476-16 – AUTHORIZE MAYOR TO EXECUTE CONSTRUCTION AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS ON SOUTH SHADES CREST ROAD AND EDEN RIDGE DRIVE/SHADES RUN CIRCLE.**

The City Attorney read Resolution No. 5476-16. This would authorize the Mayor to execute a Construction Agreement with the Alabama Department of Transportation for Intersection Improvements on South Shades Crest Road and Eden Ridge Drive/Shades Run Circle.

Mr. Smith made a motion to approve **Resolution No. 5476-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5477-16 – AMEND BUDGET FOR FYE 9/30/16**

The City Attorney read Resolution No. 5477-16. This would amend the Budget for Fiscal Year Ending September 30, 2016 as shown on the Exhibit A attached to the resolution. Mr. Robert Yeager said this amendment would provide funding for a temporary position to allow that employee to shadow Mr. Pate before his upcoming retirement.

Mr. Smith made a motion to approve **Resolution No. 5477-16**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. Mr. Smith noted that he had spoken with the mayor elect and he had originally only asked for three months funding knowing that if needed to go any further the next Council could approve additional funding. There being no further discussion, on voice vote the motion carried unanimously.

8. **CHANGE ORDERS NO. 1 AND NO. 2 – RADIO PROJECT UPGRADE WITH MOTOROLA**

Mr. Wright asked Executive Officer Jehad Al-Dakka, Police Department, to give an overview of this item.

Officer Al-Dakka said they consolidated their tower project and radio project into one project. All of the money is there they are just putting them under one project and the change orders are to get this one project completed.

Mr. Smith made a motion to approve **Change Orders No. 1 and No. 2**. This motion was seconded by Mr. Rives. Mr. Wright called for discussion from the Council or the audience. There being none, on voice vote the motion carried unanimously.

10. **RESOLUTION NO. 5478-16 – APPEAL OF JUDGEMENT – COVENANT BANK LITIGATION**

Mr. Wright stated the Council would need to go into Executive Session to discuss this matter. The City Attorney stated this is a matter of litigation and he certified the need for Executive Session. Mr. Smith made a motion to go into Executive Session. This motion was seconded by Mr. Rives. On voice vote the motion carried unanimously.

The City Council went into Executive Session at 6:55 p.m.

At 7:02 p.m. the Council reconvened and Mr. Smith made a motion that the Council leave Executive Session and return to their regular meeting. This motion was seconded by Mr. Rives. On voice vote the motion carried unanimously.

The City Attorney read Resolution No. 5478-16. This would authorize the law firm of Waldrep, Stewart & Kendrick to appeal the judgement entered against the City in favor of Covenant Bank by the Circuit Court, to seek a stay of the court judgement entered against the City, to post bond for such appeal and take all necessary steps to obtain relief from the court judgement entered against the City.

Mr. Smith made a motion to approve **Resolution No. 5478-16**. This motion was seconded by Mr. Rives. On voice vote the motion carried unanimously.

11. PAYMENT OF BILLS

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Rives. On voice vote the motion carried unanimously.

Mr. Wright called for additional comments or questions from the Council or the audience.

Mr. Smith noted that Mr. Allen Pate had one more meeting with the Council before his retirement. Mr. Pate said his last day would be October 20th and then he was taking some vacation time. He expressed his appreciation for everything they had done for him.

Mr. Greene reminded everyone of the Municipal Run-Off Election being held tomorrow.

Mr. Robert Yeager asked for everyone to keep Mike Lewis, Human Resources Director, in their thoughts and prayers as he underwent some serious surgery today.

There being no further comments or questions, the meeting was adjourned.

Margie Handley, City Clerk